

**REMARKS/ARGUMENTS**

Reconsideration of the above-identified application in view of the present amendment is respectfully requested. By the present amendment, claim 8 is amended. Claims 1-8 are currently pending.

Applicant appreciates the allowance of claim 8 if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Accordingly, claim 8 is amended to include all of the limitations of the base claim and intervening claims. Therefore, claim 8 is allowable.

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,071,022 to Sick ("Sick") in view of U.S. Patent No. 4,363,420 to Andrews ("Andrews"). Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Sick in view of Andrews and further in view of U.S. Patent No. 4,588,105 to Schmitz et al. ("Schmitz"). Withdrawal of these rejections is respectfully requested for at least the following reasons.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The proposed combination of Sick and Andrews does not teach or suggest all of the limitations of claim 1. For example, claim 1 recites that the engaging section is inserted in a deepening on the rim side of the closure. Neither Sick nor Andrews either taken alone or in combination teach or suggest this subject matter.

Sick teaches a plastic closure cover 1 especially suited for the closing of an opening in a motor vehicle body panel (Col. 1, lines 5-7). Sections of the cover 1

can be reinforced by glass fibers. The cover 1 provides a bottom wall part 2 that includes a shoulder 9, which the Examiner refers to as the central closure section. The shoulder 9 passes into or connects with an integral, laterally extending flange 3, which the Examiner refers to as the engaging section (see Col. 2, lines 28-37). The shoulder 9 does not have a deepening in which the flange 3 is inserted. Rather, the flange 3 is formed in one piece with the shoulder 9. Also, the shoulder 9 also has no deepening on a rim side of the shoulder 9.

Andrews teaches a plug 1 for sealing an aperture 18 in a panel 17 having a body portion 2, which the Examiner refers to as the central closure section. The plug further has a flange portion 3, continuous with the body portion 2, with an under surface adapted to overlies an upper surface region of the panel 17 adjacent the aperture 18. A body 15 of sealant material contacts the undersurface of the flange portion 3. The plug 1 has a plurality of neck portions 4a-c, and a plurality of resiliently flexible elements 5a-c arranged between the neck portions 4a-c so as to be resiliently flexed during insertion of the plug 1 into the aperture 18 and so as, thereafter, to retain the plug 1 within the aperture 18. The sealing ring 15, which the Examiner refers to as the engaging section, is made of a melt adhesive which, after heating, flows through a gap between the plug body 2 and the panel edge in order to join the panel 17 with the plug 1 (Col. 3, line 57 to Col. 4, line 15). The sealing ring 15 does not have a sealing lip that forms a latching connection with an edge of a hole. The body portion 2 does not have a deepening on a rim side of the body portion 2 in which the sealing ring is inserted. Rather, the body 15 of sealant material contacts the flat undersurface of the flange portion 3.

Further, claim 1 recites that the engaging section, which is made of plastics material that is softer than the plastics material of the closure section, has a surrounding sealing lip, which forms a latching connection with an edge of the hole in the vehicle body. Neither Sick nor Andrews either taken alone or in combination teach or suggest this subject matter.

Sick fails to teach that the flange 3 has a softer plastic material than the plastic material of the shoulder 9. The Examiner admits this too.

In Andrews, the sealing ring 15 is made of a melt adhesive which, after heating, flows through a gap between the plug body 2 and the panel edge in order to join the panel 17 with the plug 1 (Col. 3, line 57 to Col. 4, line 15). The sealing ring 15 does not have a surrounding sealing lip which forms a latching connection with an edge of a hole of a vehicle body.

At best, the proposed combination of Sick and Andrews would include adding the ring-like sealant body 15 of Andrews in the region of the flange 3 of the closure cover 1 of Sick in order to provide better sealing properties. The proposed combination of Sick and Andrews fails to disclose or suggest an engaging section, which is made of plastics material that is softer than the plastics material of a closure section, having a surrounding sealing lip which forms a latching connection with an edge of a hole in a vehicle body.

Furthermore, claim 1 recites that the plastic materials of the engaging section, which includes the surrounding sealing lip, is adapted to be softened by heating such that a tight connection is produced between the engaging section and the portions of

the vehicle body that are received by it. Neither Sick nor Andrews either taken alone or in combination teach or suggest this subject matter.

Sick fails to disclose that the flange 3 has plastic materials that are adapted to be softened by heating such that a tight connection is produced between the flange 3 and portions of the vehicle body. The Examiner also admits that Sick fails to disclose that the flange 3 is softened by heat. In Andrews, the sealing ring 15 does not have a surrounding sealing lip which forms a latching connection with an edge of a hole of a vehicle body. Therefore, in view of the foregoing, the rejection of claim 1 under 35 U.S.C. 103(a) as being unpatentable over Sick and Andrews fails to establish a case for prima facie obviousness, because the proposed combination of Sick and Andrews fails to teach or suggest all of the limitations of claim 1.

Moreover, in making the factual inquiries required as set forth in Graham v. John Deere, the totality of the prior art must be considered, and proceeding contrary to accepted wisdom in the art is evidence of nonobviousness. In re Hedges, 783 F.2d 1038, 228 USPQ 685 (Fed. Cir. 1986). Also, it is improper to combine references where the references teach away from their combination. In re Grasselli, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983).

Sick teaches away from including the body 15 of sealant material of Andrews. Discussing drawbacks in the prior art, Sick states that "other known closure covers used to produce sealing use an intermediate which is expensive" (see Col. 1, lines 24-27). Thus, Sick teaches away from including the separate sealing body 15 of Andrews. Therefore, the combination of Sick and Andrews is improper. Thus, in view of the above-mentioned reasons, claim 1 is allowable.

Claims 2-7, which depend from claim 1, are allowable as depending from an allowable claim and for the specific features recited therein.

In view of the foregoing, it is respectfully requested that the application be allowed.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

/James L. Tarolli/

James L. Tarolli  
Reg. No. 36,029

TAROLLI, SUNDHEIM, COVELL,  
& TUMMINO L.L.P.  
1300 East Ninth Street, Suite 1700  
Cleveland, Ohio 44114  
Phone: (216) 621-2234  
Fax: (216) 621-4072  
Customer No.: 26,294